

July 6, 2004

July Sixth

20-----04

The regular July Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, and H. Phillip Smith (8). Vice-Mayor R. Wayne Williams, Jr. was absent (1).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Director of Finance Aubrey D. Dodson, Assistant City Manager for Government Affairs Todd M. Yeatts, Budget Director Cynthia L. Thomasson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Transportation Services Director Marc Adel man, Economic Development Director Ron Bunch, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Assistant Parks, Recreation, and Tourism Director Tish Lindsey, City Engineer Kent Shelton, and Human Resources Director Andrea Witt.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Pete Castiglione offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Hamlin recognized Community Development Director Jerry Fischer. Mr. Fischer informed Council Members that on June 21 Governor Mark Warner designated five Enterprise Zones. Mr. Fischer said he was pleased to learn that one of those designations was for the City of Danville. He said it was actually a redesignation of the City's first Enterprise Zone. The Enterprise Zone area includes the Cyber Park, Downtown, North Main, the Tobacco Warehouse District, and several of the City's large existing industries. The Enterprise Zone program allows tax and financial incentives to attract new businesses and encourages expansion of existing businesses in the Zone Area. Mr. Fischer said the designation was an important tool in the City's economic development war chest. He displayed the Certificate of Recognition signed by Governor Warner. Mr. Fischer said his department would work diligently to market this important tool to bring new jobs to Danville.

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Mayor Hamlin thanked Mr. Fischer and Economic Development Director Ron Bunch and staff members for their efforts in bringing about the designation.

MINUTES

Upon Motion by Council Member Saunders and second by Council Member Archie, Minutes of the June 15, 2004 Meeting of Danville City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION- FY 2004-05 - CDBG, HUD & HOME FUNDS

Mayor Hamlin opened the floor for a Public Hearing to consider the implementation of the FY 2004-2005 Community Development Programs. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 29, 2004. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Castiglione and second by Council Member Rawley, Ordinance No. 2004-06.10 presented by its First Reading on June 15, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for projects to be or being undertaken to improve the Danville Community financed with Community Development Block Grant, Home Investment Partnership funds from the U. S. Department of Housing and Urban Development and Program Income Funds generated by prior year expenditures of Community Development Block Grant and Home Investment Partnership funds was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

REMOVE ITEM VIII-I1 FROM THE AGENDA – AIRPORT SECURITY

Upon Motion by Council Member Smith and second by Council Member Luther, an Ordinance amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing revenues to provide for a grant from the Virginia Department of Aviation in the amount of \$242,730 and local matching funds in the amount of \$26,970 for physical security enhancements at the Danville Regional Airport and appropriating the same was removed from the Council Agenda.

The Motion passed by unanimous vote.

Mayor Hamlin said further review of the matter would take place before Council acts on the Ordinance.

HEARING-SPECIAL USE PERMIT-OPEN STORAGE BUILDING

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Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to construct an open storage building along the Dan River. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 22 and 29, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-07.01

AN ORDINANCE GRANTING A SPECIAL PERMIT TO CONSTRUCT A 20'8" X 150' OPEN STORAGE BUILDING FRONTING ALONG THE DAN RIVER.

Council Member Castiglione seconded the Motion.

In response to Council Members Daniels and Smith, Planning Director Kenny Gillie said the Special Use Permit is being issued because the proposed building site is in the 100-year flood plan and on top of a City sewer main. The applicant, Robert Woodall, proposes to construct a building to be used as storage for vehicles in need of repair. Mr. Gillie said the permit is subject to the following conditions:

- The storage building will be enclosed along the Dan River and its two sides only to remain open facing Robert Woodall Chevrolet, Inc. Enclosing three sides of the building will shield the vehicles from public view.
- To eliminate flood damage and the encroachment on the flood plan, the walls of the building to be elevated at least one foot above the flood plan height (417 EL) to allow water to pass underneath the building should there be a flood.
- The proposed storage building is not to be constructed over any existing manholes. If a problem should arise with the sewer system, removal of the building and removal and replacement would be the property owner's responsibility and expense.

The Ordinance was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

HEARING-SPECIAL USE PERMIT-RECREATION FACILITY

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for the operation of an Outdoor Commercial Recreation Facility at 1513 South Boston Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 22 and 29, 2004.

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Rick Jones, Sir Richard's property owner, appeared to respond to questions by Council Members and citizens. Mr. Jones was requesting permission to operate an outdoor commercial recreation facility at the location.

In response to Council Member Luther, Planning Director Gillie said the Planning Commission recommended Council approve issuance of the Special Use Permit to ensure Code compliance. Mr. Gillie said the Planning Commission had recommended approval of the permit subject to the following conditions:

- Hours of Operation: Monday-Thursday until 9:00 P.M.
Friday-Saturday until 11:00 P.M.
Sunday until 10:00 P.M.

Mr. Luther also expressed concerns about the property being located in the Airport Overlay Zone. City Manager Gwaltney assured Mr. Luther that the proposed building would be located outside the clear zone.

In response to Council Member Archie, Mayor Hamlin assured her the Sunday time was in compliance with the City's curfew law.

No one present further to be heard and the Public Hearing was closed.

Council Member Rawley moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-07.02

AN ORDINANCE GRANTING A SPECIAL PERMIT TO HAVE AN OUTDOOR COMMERCIAL RECREATIONAL FACILITY (OUTDOOR CONCERTS) AT 1513 SOUTH BOSTON ROAD.

The Motion was seconded by Council Member Luther and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

HEARING - CONVEY 0.007 ACRES TO VDOT AT HIGHLAND BURIAL PARK

Mayor Hamlin opened the floor for a Public Hearing to consider a request to donate 0.007 acres of land at Highland Burial Park to the Virginia Department of Transportation for a right-of-way to widen Piney Forest Road. Notice of the Public Hearing had been duly published in the Danville Register and Bee on June 29, 2004. No one present desired to be heard and the Public Hearing was closed.

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Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-07.03

AN ORDINANCE AUTHORIZING THE DONATION OF 0.007 ACRES OF LAND FROM THE HIGHLAND BURIAL PARK TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO WIDEN PINEY FOREST ROAD.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, and Smith (8).

NAY: None (0).

ABSENT: Williams (1).

BUDGET AMENDMENT-FY 2004-2005-JUVENILE ACCOUNTABILITY

Upon Motion by Council Member Daniels and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2004-07.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES TO ANTICIPATE THE RECEIPT OF FUNDS FROM THE JUVENILE ACCOUNTABILITY BLOCK GRANT IN THE AMOUNT OF \$15,588 AND LOCAL SHARE IN THE AMOUNT OF \$1,732 FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$17,320

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2004-2005-PER DIEMS-DETENTION HOME

Upon Motion by Council Member Archie and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2004-07.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE FOR A GRANT AND PER DIEM CHARGES TO PROVIDE FOR THE OUTREACH DETENTION PROGRAM AT THE W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

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was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Council Member Luther asked Human Services Director Gwendolyn Edwards for a report containing the present number of inmates, the present number of vacancies, and the per diem charges at the W. W. Moore, Jr. Detention Home for the City. Ms. Edwards agreed to supply Council Members with the report before the next Council Meeting.

In response to Council Member Daniels, Ms. Edwards said that Professional Health Services provided at W. W. Moore are services the inmates receive from outside sources, such as doctors and dentists. She said the Detention Home uses local vendors for these services.

BUDGET AMENDMENT-FY 2004-2005-DETENTION HOME-FOOD SERVICES

Upon Motion by Council Member Luther and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-07.06

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF \$68,626 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Council Member Saunders asked why the Food Service appropriation for the Detention Home had increased from \$42,126 to \$68,626. Ms. Edwards advised that last year \$25,000 was appropriated and additional money came in as a result of the children at W. W. Moore and their eligibility for United States Department of Agriculture (USDA) funds. The Finance Department had advised Ms. Edwards of the amount of funds that the City received, so it was necessary to increase the appropriation. She said these were all the funds that had come in for the school lunch program for the children at W. W. Moore.

BUDGET AMENDMENT-FY 2004-2005-ELECTRONIC MONITORING

Upon Motion by Council Member Archie and second by Council Member Luther, an Ordinance entitled:

ORDINANCE NO. 2004-07.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING REVENUES IN THE

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AMOUNT OF \$60,033 FROM THE OPERATION OF AN ELECTRONIC MONITORING PROGRAM FOR PITTSYLVANIA COUNTY AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

APPLY FOR GRANT – FEDERAL TRANSIT ACT-TROLLEYBUSES

Council Member Castiglione moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-07.01

A RESOLUTION CONFIRMING AND RATIFYING THE FILING OF AN APPLICATION BY THE CITY TO THE U. S. DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL TRANSIT ACT, AS AMENDED.

Council Member Archie seconded the Motion.

Council Member Daniels said the City had a trolley several years ago and it did not work out. He wondered why they City needed two new trolleys. He asked Director of Transportation Marc Adelman if additional employees would be required. Mr. Adelman said it was anticipated that three additional employees would be needed to cover the additional services, but the salaries would be paid from a Demonstration grant.

Mr. Adelman advised that the trolleys would be used in conjunction with the expansion of the Reserve-a-Ride operation and fixed route service and serve as transportation for conference attendees at the Institute for Advanced Learning and Research.

In response to Council Member Archie, Mr. Adelman said a regular bus would be used for riders in the Ingram Heights area.

In response to Council Member Castiglione, Mr. Adelman said the buses could be used for events such as transportation for a wedding party if there were as many as 10 riders. Mr. Adelman said even in that case, the buses would still be routed for regular passenger service.

Council Member Saunders expressed concern that there was no City bus service to Dan Daniel Memorial Park. He said he knew of citizens who would go to events at the Park if there were regular passenger service to the facility.

Mr. Saunders asked Mr. Adelman and the administration to please try and find a way to get regular bus service to the park.

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Council Member Castiglione thought a survey as to the number of citizens interested in bus service to Dan Daniel Park would be effective in determining bus service for Dan Daniel Park. Mr. Adelman responded that a survey is being developed presently.

The Resolution was adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

BUDGET AMENDMENT-FY 2004-2005-PURCHASE TROLLEYBUSES

Upon Motion by Council Member Castiglione and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2004-07.08

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FEDERAL, STATE, AND LOCAL FUNDING FOR THE PURCHASE OF TWO TROLLEYBUSES TO BE OPERATED BY THE DANVILLE TRANSIT SYSTEM FOR A TOTAL APPROPRIATION OF \$218,749

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2004-2005 – RECREATION ENRICHMENT

Upon Motion by Council Member Smith and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-07.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$51,775 FOR A RECREATION ENRICHMENT PROGRAM AND THE EXPANDED SUMMER PROGRAM AND THE LOCAL IN-KIND SHARE OF \$48,559 AND APPROPRIATION OF SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT-FY 2004-2005-DONATION - LOW INCOME YOUTH

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Upon Motion by Council Member Smith and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2004-07.10

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING ANTICIPATED REVENUES FOR A DONATION PROVIDING SCHOLARSHIPS TO UNDERPRIVILEGED LOW INCOME YOUTH AND APPROPRIATING SUCH FUNDS TO THE VARIOUS SUMMER PROGRAMS SERVING CHILDREN

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

ELECTRIC SERVICE IMPROVEMENT-BUSINESS DEVELOPMENT CENTER

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-07.11

AN ORDINANCE APPROVING PARTICIPATION OF AN ELECTRICAL SERVICE IMPROVEMENT FOR THE DAN RIVER BUSINESS DEVELOPMENT CENTER.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Smith (8).
NAY: None (0).
ABSENT: Williams (1).

COMMUNICATIONS

City Manager Gwaltney called to Council's attention that the City had lost one of the most dedicated employees that he had ever worked with. Kathy Sutherland died on Saturday, July 3 after a two-year battle with cancer. She was employed in the Finance Department as an Accountant. Mr. Gwaltney said that up until about two weeks ago, Kathy made sure that she came to work. He said that if all employees had the work ethic and love for the City that Kathy possessed, there would be no stopping what the City could do. She was an exemplary employee and a very dedicated and gracious individual and the City has suffered a great loss. She will be greatly missed.

Mr. Gwaltney reviewed some fiscal year-end tax figures with Council Members. He advised that the meals tax for FY 2003-2004 had produced \$3,855,238. Revenues from

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the meals tax had been projected at \$3,850,000. The totals indicate an increase of \$232,995 more than the previous year.

Mr. Gwaltney said he felt the sales tax would end up very well. Last year, the City ended up with \$6,630,318. This year, it has been projected that City will end up with \$6,750,000. Through eleven months, there was \$6,217,657. Mr. Gwaltney said that even with an off month, the City should realize the \$6.75 Million.

Mr. Gwaltney reported the 3% lodging tax was projected at \$330,000. To date, \$307,520 has been collected, which is about \$27,000 less than was projected. When compared with revenues of \$282,309 from the previous 1% lodging tax, the \$307,520 represents an approximate \$25,000 in additional revenues. The Wireless phone tax revenues were projected to be \$480,00 and the City realized \$366,593. Revenues from the E911 tax were projected at \$573,000 and ended up with \$601,987.

Mr. Gwaltney said overall he was pleased with the figures and would update Council as final figures come in from the year-end closeout.

Finance Director Aubrey Dodson advised that the reassessment notices would be mailed out on Thursday or Friday of this week. This was a reassessment year when the changes in values were effective July 1, 2004. During the budget process, the decrease in values excluding new construction reflected an increase of 4.55%. The values, including new construction at that time, reflected an increase of 5.08%. Based on the latest values the overall assessment, excluding new construction, increased 4.77% and the total assessments, including new construction, increased 5.76%.

There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

ROLL CALL

Council Member Archie offered congratulations to the five Council Members who were sworn for new terms on July 1. She thanked the community for displaying confidence in the present Council by re-electing all five incumbents.

Mrs. Archie commended the Utility and Fire Departments for explaining the new personnel regulations to their employees in their monthly newsletters. She said they did an excellent job with the articles, which will help to eliminate any confusion concerning the changes. Mrs. Archie said an informed group of workers is a good group of workers.

Council Member Castiglione expressed sympathy to Kathy Sutherland's family. He said he would miss Kathy, who always displayed a positive attitude, even during her illness.

Council Member Daniels, Mayor Hamlin, and Council Member Luther extended their deepest sympathy to the Sutherland and Edwards families.

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Council Member Rawley, who attended his first Council Inaugural Meeting, said he found it to be a very moving ceremony. Mr. Rawley advised that Kathy Sutherland had worked at Dan River, Inc. before coming to the City as an accountant. He said she was an excellent employee.

Council Member Saunders and Council Member Smith offered condolences to the family of Kathy Sutherland.

The Meeting adjourned at 8:30 P.M.

MAYOR

CLERK